REMARKS

This Amendment is filed in response to the Final Office Action mailed on July 9, 2008, and is herewith filed a Request for Continuing Examination. All objections and rejections are respectfully traversed.

Claims 1-8, 12, 14-25, 29, 31-35, 37-39, 41-42, 46-50 are currently pending.

Claims 50 is added.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3067.

Claim Objections

At paragraphs 3-5 of the Office Action, claims 39 and 43 were objected to. Applicant has amended claim 39, and therefore believes claim 39 is in condition for allowance. Applicant has cancelled claim 43, therefore the rejection is moot.

Claim Rejections – 35 USC § 112

At paragraphs 6-7 of the Office Action, claims 1 and 18 were rejected under 35 U.S.C. §112, first paragraph. Applicant has amended the claims, and therefore the rejection is moot.

Claim Rejections – 35 USC § 101

At paragraphs 8-9 of the Office Action, claims 39-41 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

In particular, the Examiner stated claims 39-41 are drawn to "computer-readable medium," which does not fall within a statutory category. Applicant has amended the claim to have a system that includes a processor for executing the computer readable medium. Therefore, there is hardware performing the claimed instructions. Accordingly, claims 39-41 are believed allowable over the §101 rejection.

Claim Rejections – 35 USC § 102

At paragraph 7 of the Office Action, claims 1, 2, 7-19, 34, 35, 38, 39, 42, and 46-49 were rejected under 35 U.S.C. §102 as being unpatentable over Prahlad et al., US Patent Application Publication No. 2004/00100487, hereinafter Prahlad.

The present invention, as set forth in representative claim 1, comprises in part:

1. A system for indexing and manipulating a set of backup data stored on a destination system interconnected with a source file system having source data from which the backup data is transmitted to the destination system comprising:

a management application executed by a computer, where the management application (a) communicates with the destination system and that accesses data identifiers related to the backup data organized in a tree structure and representing a plurality of persistent consistency point images (PCPIs) of the data, each with associated information related to creation time, (b) *scans the plurality of PCPIs stored on the destination system to generate an index of directories, files, or qtrees,* where each directory, file, or qtree has one or more versions created at one or more different points in time, and (c) organizes the data identifiers into a structure that enables the data to be displayed according to directory, file or qtree; and

a user interface to select a directory, file, or qtree to view, where *the management application returns a list of only the selected directory, file, or qtree and the one or more versions of the selected directory, file,*

or qtree, wherein each version of the selected directory, file, or qtree is stored in a separate PCPI.

Prahlad discloses a system for creating a quick recovery volume of a primary data set, with the quick recovery volume stored on an archival storage unit. A snapshot manager indexes and manages the snapshots. A user interface allows users to browse and recover data from the snapshots, where the snapshots are displayed in a folder and a user can select a snapshot to look at the contents of the snapshot.

Applicant respectfully urges that Prahlad does not disclose Applicant's claimed novel system that *scans the plurality of PCPIs stored on the destination system to generate an index of directories, files, or qtrees, ... the management application returns a list of only the selected directory, file, or qtree and the one or more versions of the selected directory, file, or qtree, <u>wherein each version of the selected directory, file, or qtree is stored in a separate PCPI</u>*. In further detail, in Applicant's claimed invention each snapshot is scanned to determine the different components, such as files, directories, or qtrees. The data is then organized into an index. The user then can select a particular qtree, file, or directory to view. When viewing a file for example, a user selects a file to view. The management application returns the selected file and one or more versions of the file created at one or more different points in time. <u>The one or more versions of the file are stored in separate PCPIs</u>, however the management application returns a single list of the file and the one or more versions of the file. This allows a user to see the different possible files to restore without searching through a plurality of PCPIs to find the file. The user then selects the appropriate file that the user wants to restore from the list.

In contrast, Prahlad only discloses a listing of snapshots in a folder organized on a volume basis. There is no disclosure of organizing contents of the snapshots, such as the files, directories, or qtrees stored within each snapshot to create a list. Specifically, there is no disclosure in Prahlad of creating a list for a single file that shows the file all the versions of that particular file, where the versions of the file are stored in separate

snapshots. Prahlad merely discloses listing the contents of the snapshot in directory form, but Prahlad does not disclose organizing sections of a plurality snapshots into one list based on a user selected file, directory, or qtree.

Accordingly, Applicant respectfully urges that Prahlad is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel *scans the plurality of PCPIs stored on the destination system to generate an index of directories, files, or qtrees, where each directory, file, or qtree has one or more versions created at one or more different points in time, and (c) organizes the data identifiers into a structure that enables the data to be displayed according to directory, file or qtree* and *a user interface to select a directory, file, or qtree to view, where the management application returns a list of only the selected directory, file, or qtree and the one or more versions of the selected directory, file, or qtree.*

Claim Rejections – 35 USC § 103

At paragraphs 12-13 of the Office Action, claims 3-6, 20-23, 37, and 41 were rejected under 35 U.S.C § 103 as being unpatentable over Prahlad, in view of Armangau, US Patent No. 6,434,681.

At paragraph 14 of the Office Action, claims 7, 8, 12-16, 24-33 and 43 were rejected under 35 U.S.C § 103 as being unpatentable over Prahlad, in view of Arakawa, US Patent Application Publication No. 2003/0131207, hereinafter Arakawa.

Applicant respectfully notes that claims 3-8, 12-16, 20-33, 37, 41, and 43 are dependent claims that depend from independent claims believed to be in condition for allowance. Accordingly, claims 3-8, 12-16, 20-33, 37, 41, and 43 are believed to be in condition for allowance.

New Claim

New claim 50 is allowable for the reasons set forth above. Additionally, claim 50 is allowable over the cited art because Prahlad does not disclose "*scanning the plurality of PCPIs to create an index of a file in a database on the destination system, wherein the file has a plurality of versions with each version of the file is stored in a separate PCPI, … displaying the selected file and the plurality versions of the file to allow a user to select a particular file to restore from the selected file and the plurality versions of the file.*" There is no disclosure in Prahlad of creating a list for a single file that shows the selected file and plurality of versions of the selected file, where each version of the file is stored in a separate PCPI. Prahlad merely discloses a directory of the snapshots. A user may view the contents of a single snapshot. However, there is no disclosure of generating a list of a single data entry stored in a plurality of snapshots. Accordingly, claim 50 is believed allowable over the cited art.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account

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Respectfully submitted,

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